

## **REMARKS**

By this amendment, claims 1, 2, 5, 8-9, 11-12, 14, 16, 17-21, 24-25, 39-41 and 45 have been canceled. Claims 56-75 have been added. No new matter has been added. After entry of this amendment, claims 56-75 will be pending for further prosecution.

### **Interview with the Examiner**

The Applicant's representatives (William D. Pegg and Jason S. Kray) would like to thank Examiner Leichliter for the interview of August 5, 2010. During the interview, the references applied in the Non-Final Office Action dated May 14, 2010 were discussed in view of new claim 56. The Examiner indicated that new claim 56 would likely overcome a rejection under 35 U.S.C. § 102(b) based on Boesen alone, but further consideration would be required with respect to the application of Jackson under 35 U.S.C. § 103(a).

### **Claim Rejections Under 35 U.S.C. § 101**

Claims 1, 2, 5, 8, 9, 11, 12, 14 and 16 are rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Because these claims have been canceled by this amendment, the rejection under 35 U.S.C. § 101 is moot. Accordingly, withdrawal of this rejection is respectfully requested.

### **Claim Rejections Under 35 U.S.C. §§ 102, 103**

Claims 1, 2, 5, 8, 9, 11, 12, 14, 16-21, 24, 25, 39-41, and 45 are rejected under 35 U.S.C. §§ 102(b), 103(a) as being unpatentable over U.S. Publ. No. 2202/0151354 (Boesen) alone or in combination with either U.S. Pat. No. 7,481,430 (Jackson) and/or U.S. Pat. No. 6,217,448 (Olsen). Because these claims have been canceled by this amendment, the rejection of these claims under 35 U.S.C. §§ 102, 103 is moot.

### **New Claims 56-75 are Patentable Over the Applied References**

New claims are patentable over the references applied in the Office Action for the reasons explained below.

Independent Claim 56

Independent claim 56 recites, *inter alia*, “the plurality of possible outcomes including a first outcome and a second outcome, the second outcome being different from the first outcome” and “increasing an amount of a first set of one or more of the prize pools in response to the randomly selected outcome being the first outcome, and increasing an amount of a second set of one or more of the prize pools in response to the randomly selected outcome being the second outcome, the second set being different from the first set.” In other words, claim 56 requires increasing different sets of one or more prize pools in response to different randomly selected outcomes.

For example, Figure 4B of the Present Application illustrates an exemplary pay table embodying the concepts claimed in new claim 56. The first column in the table of Figure 4B indicates a number of potential outcomes, the second column indicates player payouts associated with the outcomes, and the third column indicates prize pools and corresponding increase amounts associated with the outcomes. As shown in Figure 4B, in response to the randomly selected outcome being the outcome in the seventh row, the Terminal Prize Pool will be increased by 3 credits, the Bank Prize Pool will be increased by 2 credits and the Wide-Area Prize Pool will be increased by 1 credit. By contrast, in response to the randomly selected outcome being the outcome in the eighth row, only the Terminal Prize Pool will be increased. Accordingly, a first set of prize pool(s) (i.e., Terminal, Bank and Wide-Area Prize Pools) are increased in response to a first outcome and a different second set of prize pool(s) (i.e., only Terminal Prize Pool) is increased in response to a different second outcome.

Boesen, Jackson, Olsen and/or any combination thereof fail to disclose, teach or suggest at least this aspect of new claim 56.

Boesen is alleged to disclose increasing a prize pool in response to randomly selected outcomes during a wagering game. Office Action, p. 3. However, Boesen only discloses a single prize pool that may be increased based on the occurrence of events during a game. Boesen, ¶¶ 11-12; Figures 3-17. For example, Boesen refers to the alleged prize pool as a “progressive meter,” a “progressive,” a “bonus prize,” or a “bonus” in the singular tense and each of the embodiments illustrated in the Figures of Boesen only disclose a single prize pool (e.g., element 91) that is increased based the occurrence of events during the wagering game. See, e.g., Boesen, ¶¶ 11-12, 20-87; Figures 3-17. Indeed, the Office Action acknowledges that

Boesen “fails to teach a second prize pool and the gaming terminal increases the amount of the first or second prize pools.” Office Action, p. 7. Because Boesen only discloses a single prize pool that may be increased, Boesen fails to disclose increasing different sets of prize pool(s) in response to different randomly selected outcomes as required by claim 56.

Jackson does not account for this deficiency of Boesen. The Office Action applies Jackson as disclosing multiple prize pools. Office Action, p. 6. However, Jackson only discloses a conventional progressive jackpot wagering game in which, in response to a player entering a wager amount, the value of each of the prize pools is increased by a percentage of the wager amount. In particular, Jackson discloses that “each of the jackpots is based upon allocating a percentage of each amount bet by the players of the group of slot machines or, in the case of an individual slot machine incorporating the invented feature, a percentage of the money deposited into that individual slot machine.” Jackson, col. 3, lns. 4-8 (emphasis added). And Jackson further discloses that “after the player deposits the desired monetary amount, . . . the various jackpots are incremented according to the particular algorithm used.” Jackson, col. 3, lns. 42-46. For example, in the three-jackpot wagering game disclosed by Jackson, the first “jackpot 1 is incremented by 0.5% of the amount bet, the [second] jackpot 2 is incremented by 1% of the amount bet, and the [third] jackpot 3 is incremented by 2% of the amount bet” after a player deposits a bet amount. Jackson, col. 3, lns. 46-49. Jackson does not disclose, teach or suggest increasing some prize pools while not increasing other prize pools, and Jackson does not disclose that any prize pool is increased in response to the occurrence of a randomly selected outcome of the wagering game. Accordingly, Jackson also fails to disclose, teach or suggest increasing different sets of prize pool(s) in response to different randomly selected outcomes as required by claim 56.

Similarly, Olsen fails to account for the deficiencies of Boesen and Jackson. Rather, Olsen discloses, in the Background Section, a conventional progressive jackpot wagering game that is conducted on a plurality of linked gaming terminals. See Olsen, col. 2, ln. 4 to Col. 3, ln. 7. In particular, Olsen discloses that the “current jackpot amount is recalculated or incremented . . . by adding to the current progressive jackpot amount an increment value based on the number of unit bets entered at the individual gaming machines in the progressive gaming system multiplied by a fixed progressive increment rate per unit bet.” Olsen, col. 2, lns. 14-20. In other words, Olsen discloses only a single jackpot that is incremented based only on the amount

deposited or bet by a player. Accordingly, Olsen also fails to disclose, teach or suggest increasing different sets of prize pool(s) in response to different randomly selected outcomes as required by claim 56.

Because Boesen, Jackson, Olsen and/or any combination thereof fail to disclose, teach or suggest increasing different sets of prize pool(s) in response to different randomly selected outcomes, the Applicant submits that independent claim 56 is patentable over these references.

#### Independent Claim 65

Independent claim 65 recites, *inter alia*, “the first set of one or more prize pools increasing in response to the randomly selected outcome being the first outcome, and the second set of one or more prize pools increasing in response to the randomly selected outcome being the second outcome,” “the first outcome being different from the second outcome,” and “the first set . . . being different from the second set.”

As explained above with respect to independent claim 56, Boesen, Jackson, Olsen and/or any combination thereof fail to disclose, teach or suggest at least this aspect of new claim 65. Rather, Boesen only discloses a **single** prize pool that may be increased, Jackson only discloses increasing **all** prize pools in response to a wager (not an outcome), and Olsen discloses increasing a **single** prize pool in response to a wager (not an outcome). Accordingly, Boesen, Jackson, Olsen and/or any combination thereof fail to disclose, teach or suggest increasing different sets of prize pool(s) in response to different randomly selected outcomes as required by claim 65. For at least this reason, the Applicant submits that independent claim 65 is patentable over these references.

#### Independent Claim 75

Independent claim 75 recites, *inter alia*, “the first set of one or more prize pools are increased in response to the randomly selected outcome being the first outcome and the second set of one or more prize pools are increased in response to the randomly selected outcome being the second outcome,” “the first outcome being different from the second outcome,” and “the first set . . . being different from the second set.”

As explained above with respect to independent claim 56, Boesen, Jackson, Olsen and/or any combination thereof fail to disclose, teach or suggest at least this aspect of new claim 75.

Rather, Boesen only discloses a **single** prize pool that may be increased, Jackson only discloses increasing **all** prize pools in response to a wager (not an outcome), and Olsen discloses increasing a **single** prize pool in response to a wager (not an outcome). Accordingly, Boesen, Jackson, Olsen and/or any combination thereof fail to disclose, teach or suggest increasing different sets of prize pool(s) in response to different randomly selected outcomes as required by claim 75. For at least this reason, the Applicant submits that independent claim 75 is patentable over these references.

*Dependent Claims 57-64 and 66-74*

New claims 57-64, and 66-74 dependent directly or indirectly from independent claims 56 and 65, respectively. For at least this reason, the Applicant submits that claims 57-64, and 66-74 are also patentable over Boesen, Jackson, Olsen and/or any combination thereof.

*Conclusion*

It is the Applicants' belief that all of the claims are in condition for allowance and action towards that effect is respectfully requested. If there are any matters which may be resolved or clarified through a telephone interview, the Examiner is requested to contact the undersigned attorney at the number indicated. It is believed that no fee is presently due; however, should any additional fees be required (except for payment of the issue fee), the Commissioner is authorized to deduct the fees from Nixon Peabody LLP Deposit Account No. 50-4181, Order No. 247079-000238USPX.

Respectfully submitted,

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